

**Jun 28, 2019**

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

KIMON R.<sup>1</sup>,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 2:18-CV-00291-MKD

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g)**

**ECF Nos. 21, 30**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 30, of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney George Fields represents Plaintiff. Attorney Martha Boden represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6. After consideration, **IT IS HEREBY ORDERED** that:

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them only by their first names and the initial of their last names.

1           1. The parties' Stipulated Motion for Remand, **ECF No. 30**, is **GRANTED**.

2           2. The above-captioned case be **REVERSED** and **REMANDED** to the  
3 Commissioner of Social Security for further administrative proceeding pursuant to  
4 sentence four of 42 U.S.C. § 405(g).

5           On remand, the parties stipulate that:

6           [T]he Appeals Council will first determine whether the record supports a  
7 finding of disability. If the case requires further development, the Appeals  
8 Council will remand the case to an Administrative Law Judge (ALJ) to  
9 reevaluate the medical evidence, including the evidence not exhibited at the  
10 hearing office, and to obtain appropriate medical expert evidence to provide  
11 a longitudinal overview and clarify the nature, severity and limiting effects  
12 of Plaintiff's medically determinable impairments throughout the period at  
issue and assist in determining the disability onset date. In light of the above  
findings, the ALJ will reassess Plaintiff's residual functional capacity and  
subjective symptoms, and reassess Plaintiff's ability to perform her past  
relevant work and/or other work in the economy, and in so doing, obtain  
vocational expert evidence. The [ALJ] will consider pertinent medical  
records in the subsequent application that are relevant to the period at issue.

13 ECF No. 30 at 1. The ALJ will issue a new decision.

14           3. Judgment shall be entered for **PLAINTIFF**.

15           4. Plaintiff's Motion for Summary Judgment, **ECF No. 21**, is **STRICKEN**  
16 **AS MOOT**.

17           5. Upon proper presentation, this Court consider Plaintiff's application for  
18 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

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1           The District Court Executive is directed to enter this Order, **enter**  
2 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

3           DATED June 28, 2019.

4                               s/Mary K. Dimke  
5                               MARY K. DIMKE  
6                               UNITED STATES MAGISTRATE JUDGE  
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